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SENATOR JOHN MCCAIN AND THE
12 REPUBLICAN NATIONAL COMMITTEE

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16
17 MARKHAM ROBINSON,

18 Plaintiff,

19 v.

20 SECRETARY OF STATE DEBRA BOWEN,
21 THE REPUBLICAN NATIONAL
COMMITTEE, THE CALIFORNIA
22 REPUBLICAN PARTY, and SENATOR JOHN
MCCAIN,

23 Defendants.

CASE NO. C 08-03836 WHA

**STIPULATION AND [PROPOSED]
ORDER DISMISSING IN PART
PLAINTIFF'S COMPLAINT**

24 Plaintiff and Defendants Senator John McCain and the Republican National Committee
25 ("RNC") (collectively, "Defendants") hereby respectfully submit the following stipulation and
26 proposed order dismissing certain portions of the Complaint in the above-captioned matter.
27 Specifically, Plaintiff and Defendants stipulate that the Court should dismiss the following portions
28 of the Complaint with prejudice:

1. Those portions of the Second Cause of Action and Prayer that seek to enjoin the RNC and California Republican Party from nominating Senator John McCain as their candidate for President of the United States (but not the remaining allegations in the Second Cause of Action, including the portions seeking to enjoin Senator McCain from running for President);

2. The Third and Fifth Causes of Action pursuant to Cal. Bus. & Prof. Code § 17200.

In entering into the Stipulation, Plaintiff does not concede the legal sufficiency of any of his remaining claims for relief. Similarly, Defendants do not concede any defense or their right to move to dismiss the remaining claims in the Complaint.

Respectfully submitted,

Dated: August 25, 2008

WALSTON CROSS

By: Gregory S. Walston

Attorneys for Plaintiff

Matthew D. McGill
(pro hac vice admission pending)
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Attorneys for Defendants
SENATOR JOHN MCCAIN AND THE
REPUBLICAN NATIONAL COMMITTEE

[PROPOSED] ORDER

IT IS SO ORDERED.

DATED:

By: William H. Alsup
United States District Judge

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SENATOR JOHN S. McCAIN, III and
THE REPUBLICAN NATIONAL COMMITTEE**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MARKHAM ROBINSON,

Plaintiff,

v_s

SECRETARY OF STATE DEBRA BOWEN,
THE REPUBLICAN NATIONAL
COMMITTEE, THE REPUBLICAN PARTY
OF CALIFORNIA, SENATOR JOHN S.
McCAIN, III, et al.

Defendants.

CASE NO. C 3:08-cv-03836 WHA

**CERTIFICATE OF SERVICE ON
STIPULATION**

[Honorable William H. Alsup]

I, Diana Reger, declare as follows:

I am employed in the office of a member of the bar of this Court, at whose direction this service is made; I am over the age of eighteen years and am not a party to this action; my business address is One Montgomery Street, 31st Floor, San Francisco, California 94104, in said County and State. On August 25, 2008, I served the within:

**STIPULATION AND [PROPOSED] ORDER DISMISSING
IN PART PLAINTIFF'S COMPLAINT**

As indicated below:

BY USDC LIVE SYSTEM-DOCUMENT FILING SYSTEM: On all interested parties registered for efilng.

- BY PERSONAL SERVICE:** I placed a true copy in a sealed envelope addressed to each person[s] named at the address[es] shown and giving same to a messenger for personal delivery before 5:00 p.m. on the above-mentioned date.

BY OVERNIGHT SERVICE: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for delivery by overnight service. Pursuant to that practice, envelopes placed for collection at designated locations during designated hours are delivered to an overnight service carrier with a fully completed airbill, under which all delivery charges are paid by Gibson, Dunn & Crutcher, that same day in the ordinary course of business.

BY ELECTRONIC MAIL: On the above-mentioned date, I served a full and complete copy of the above-referenced document[s] by electronic mail to the person[s] at the address[es] indicated

BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

The following parties were additionally served by mail, as previously indicated:

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I certify under penalty of perjury that the foregoing is true and correct, and that this Declaration of Service was executed by me on August 25, 2008, at San Francisco, California.

By: _____ /s/Diana Reger
Diana Reger

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